IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIRST DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

WRIT PETITION NOs : 6774 of 2004 and 2018 of 2005

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WRIT PETITION NO : 6774 of 2004

Between:

G.Hanumanthu S/o G.Narasaiah
6-8-80, Tandur, Ranga Reddy Dist

..... PETITIONER

AND

1 The Central Power Distribution Company Ltd AP
Rep by Managing Director, Hyderabad.
2 The Assistant Accounts officer ,
CPDC Ltd. AP. Tandur, R.R. District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of Writ of Mandamus or any other appropriate writ or writs or direction/s declaring the impugned bill dt 21/03/04 to the extent of arrears of Rs. 24,746/- issued by the respondents as illegal, arbitrary and unconstitutional and consequently set aside the declare the bill dt. 21/03/2004 issued by the respondent.

WRIT PETITION NO : 2018 of 2005

Between:

G. Hanumanthu, S/o. G. Narasaiah,
R/o. 4-8-80, Tandur Ranga Reddy District.

..... PETITIONER

AND

1 The Central Power Distribution Company, Ltd., rep. by its Managing Director, Hyderabad.
2 the Assistant Accounts Officr, CPDC Ltd., A.P. Tandur, R.R.District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ order or direction more one in the nature of writ of Mandmaus, declaring the impugned Bill dt. 18.1.2005 to the extent of Rs. 3,924/- issued by the respondents as illegal, arbitrary and unconstitutional and consequently set aside the bill dt. 18.1.2005 issued by the respondents and pass such other order or orders as deem fit and proper.

Counsel for the Petitioner:MR.V.VENKATA MAYUR (In both the WPs)

Counsel for the Respondents: MR.M.SREERAMULU REDDY -do-

The Court made the following :

ORDER:

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Petitioner was issued a bill for consumption charges, dated 21.06.2003, for a sum of Rs.56,344/-. The same was carried further and in bill dated 18.10.2003, the figure was indicated as Rs.61,668/-. Petitioner contends that his consumption charges never exceeded Rs.300/- to Rs.400/-, and there was no justification for issuing such a bill. He accordingly filed W.P.No.1537 of 2004. The writ petition was disposed of on 06.02.2004, directing that the petitioner can approach the concerned Divisional Engineer under condition No.34 (a) of the terms and conditions of supply by paying 1/4th of the amount involved. Petitioner states that he has complied with the condition and the power supply was since restored.

When the balance amount was being demanded even while the representation was pending, the petitioner filed W.P.No.6774 of 2004. An interim order was passed on 08.04.2004, directing the respondents not to disconnect the supply for non-payment of the said amount.

Petitioner was issued a bill dated 18.01.2005, for a sum of Rs.33,924/-. It included a sum of Rs.25,345/-, representing the balance of the earlier bills, Rs.7,579/-, being arrears of consumption charges and a sum of Rs.610/- being the consumption charges for the concerned month. W.P.No.2018 of 2005 is filed against that. Petitioner complains that there was no justification for the respondents in including

such a sum and disconnecting the power supply for non-payment of the same.

Heard the learned counsel for the petitioner and the learned standing counsel for the respondents.

From the facts narrated above, it is evident that the dispute started with issuance of a bill for a sum of Rs.61,668/- in October 2003. Pursuant to the directions issued by this Court in W.P.No.1537 of 2004, petitioner made a representation to the Divisional Engineer and paid 1/4th of the said amount. The power supply was restored on payment of such amount. The correctness or otherwise of the demand through that bill would depend on the outcome of the proceedings pending before the Divisional Engineer. There does not exist any justification for including any amount covered by that bill in the subsequent months.

A sum of Rs.7,579/- is said to be due towards regular consumption charges. Petitioner is under obligation to pay the same, and it cannot be related to the proceeding that are pending before the Divisional Engineer. This Court granted interim order on 10.02.2005, directing restoration of power supply to the petitioner on payment of a sum of Rs.10,000/-. The amount is said to have been paid and that the power supply is restored.

For the foregoing reasons, the writ petition is disposed of directing that;

a. The respondents shall continue the power supply to the petitioner, as long as he pays the regular consumption charges. The amount of Rs.10,000/- shall be adjusted towards regular consumption charges including a sum of Rs.7,579/-, which is said to be due. If any balance remains, it shall be adjusted towards future bills.

b. No amount relatable to the proceedings pending before the Divisional Engineer shall be included in the bills, until the Divisional Engineer disposes the proceedings.

There shall be no order as to costs.

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L.NARASIMHA REDDY, J

Dated : 21.02.2005

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To

1 The Central Power Distribution Company Ltd AP
Rep by Managing Director
2 The Assistant Accounts officer
CPDC Ltd. AP. Tandur

3 2CD copies.